

CHAPTER NO. 651

SENATE BILL NO. 2260

By Dixon

Substituted for: House Bill No. 2971

By Lois DeBerry, Bowers

AN ACT to amend Tennessee Code Annotated, Section 38-7-104, relative to county medical examiners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-7-104, is amended by deleting the last sentence of subsection (a) in its entirety and by substituting instead the following language:

In those counties having a metropolitan form of government and in those counties with a population not less than eight hundred thousand (800,000) according to the 2000 federal decennial census or any subsequent federal census, the medical examiner shall be appointed by the county mayor of such county, from a list of a maximum of two (2) doctors of medicine or osteopathy nominated by a convention of the physicians (medical or osteopathic) resident in the county, the convention to be called for this purpose by the county mayor of such county and the list to be submitted within ninety (90) days of the request of the county mayor, subject to the confirmation by a majority of the whole membership of the metropolitan council or county legislative body. If the convention of physicians fails to submit a list within ninety (90) days of the request of the county mayor, then the county mayor may appoint a county medical examiner, subject to the confirmation by a majority of the whole membership of the metropolitan council or county legislative body.

SECTION 2. Tennessee Code Annotated, Section 38-7-104, is further amended by adding the following language as two new subsections to be designated as indicated:

(e) In those counties with a population not less than eight hundred thousand (800,000) according to the 2000 federal decennial census or any subsequent federal census, the county medical examiner shall serve for a term of six (6) years from the date of approval by the county legislative body. At the expiration of the six (6) year term, the mayor shall either reappoint the county medical examiner, subject to confirmation by a majority of the whole membership of the county legislative body, or shall request that a convention of resident physicians in the county submit a list of candidates pursuant to subsection (a) from which the mayor may appoint a county medical examiner, subject to confirmation by a majority of the whole membership of the county legislative body.


(f) In those counties with a population not less than eight hundred thousand (800,000) according to the 2000 federal decennial census or any subsequent federal census, the county medical examiner may be suspended by the county mayor for good cause, which shall include, but shall not be limited to, malfeasance in the performance of county medical examiner duties, criminal conduct, or behavior that is unethical in nature or that is in violation of a relevant code of professional medical responsibility. The suspension shall be for a period

of ninety (90) days. At the end of the ninety (90) day period, the suspension shall terminate unless the county mayor has recommended to the county legislative body in writing that they remove the county medical examiner from office. If the county mayor recommended removal of the county medical examiner, then the county legislative body shall vote on whether to remove the county medical examiner from office within ninety (90) days of the date of the written recommendation. A majority vote shall be required in order to remove the county medical examiner from office. If a majority of the county legislative body does not vote for removal of the county medical examiner from office, then the suspension of the county medical examiner immediately shall terminate.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 3, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of May 2004


PHIL BREDEBEN, GOVERNOR